

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

(Continuation of Register 2003, No. 3-Z, and Commission Meeting of February 6, 2004)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 3516 of the Fish and Game Code and to implement, interpret or make specific Sections 86, 203, 3500, 3502, 3508, 3511, 3513, 3514, 3515 and 3516, of said Code, proposes to amend Section 677, Title 14, California Code of Regulations, relating to dog training and organizational field trial permits.

Proposed changes to sections as set forth in the first notice regarding Dog Training (Notice Register 2004, No. 3-Z, published January 16, 2004) remain the same, **except for additional public recommendations proposed for in Section 677 (see Informative Digests below).**

Updated Informative Digest/Policy Statement Overview

Sections 3509 and 3510 of the Fish and Game Code, which addressed dog training and field trials using released domesticated game birds, were repealed in 2002. Section 3508 was amended to provide that the Fish and Game Commission authorize procedures for training dogs using game birds. These changes to the Fish and Game Code were made because of complaints by dog training and field trial enthusiasts that the existing code sections were difficult to understand, overly complicated, and unnecessarily restrictive. One of the deleted code sections established prices for dog training and organizational field trial permits.

The changes being proposed to Section 677 of Title 14 are intended to provide reasonable and clear regulations addressing these activities. In addition, the proposed revised language deletes the requirement for the permits, requires that the Department be notified before field trials and hunt tests occur, requires that game birds be marked before release (if the Department determines that this is necessary in specific locations), and that the carcasses of pheasants and chukars used in dog training be marked with a seal obtained from the Department.

The amended language was added and/or deleted to clarify that it is a violation to be hunting under a pretense of dog training, to clarify that dogs may not be allowed to pursue birds protected by state or federal law, and to require the marking of domestically reared game before release only in those locations where the Department determines that this is necessary to distinguish them from wild birds.

The following is a summary of the changes proposed for Section 677, Title 14, CCR:

- Clarify that it is not a violation to train dogs to retrieve, or to point or flush game birds at any time of year from sunrise to sunset, if no wild birds are captured, killed, or injured, and if no firearms or other means of take are possessed in the field.
- * Clarify that dogs may not be allowed to pursue any birds that have special protection under California or federal law.
- Delete the requirement that permits be purchased to release and take game birds for dog training and field trials.
- Provide that bobwhite quail, coturnix quail, domestic pigeons, and domestically reared pheasants, chukars, Hungarian partridges, and captive-reared mallard ducks may be released and taken when engaged in dog training or organizational field trials, under the following stipulations:
 1. Each person taking game birds possess a hunting license and upland game bird stamp, if appropriate.
 2. Persons releasing and/or taking game birds in accordance with this section during organized field trials or hunt tests shall notify the Department at least three business days before these activities occur.

3. Domestically reared game birds may be taken only on the day they are released.
4. All domestically reared game birds shall be marked prior to release, if the Department determines that this is necessary to distinguish them from wild birds in a particular location, and carcasses of chukars and pheasants shall be marked with seals obtained from the Department.
5. The Department may inspect all birds prior to release, and no birds may be released if the Department determines that such releases may have significant potential to transmit diseases to wild bird populations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, 777 Cypress Avenue, Redding, California on Friday, March 5, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA on Thursday, April 1, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 1, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than April 1, 2004, at the hearing in Redding, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Jon Snellstrom at the preceding address or phone number. John Carlson, Jr., Department of Fish and Game, phone (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These regulation changes are sufficiently minor that any economic impact, positive or negative, would not be significant.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Approximately 1,000 dog training permits and 100 field trial permits are sold each year. Section 3510, of the Fish and Game Code, established fees for these permits, and was deleted in 2002. If the requirement for these permits was retained, income to the Department, through a fee structure based on a rough estimate of staff time needed to print and issue the permits, would be about \$12,000 per year. However, since these costs would no longer occur under the proposal that the permits be deleted, there should be no net loss to the Department.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Robert R. Treanor
Executive Director

Dated: February 24, 2004